

REMARKS

Applicants' representative thanks Examiner Rodee for the courteous and productive discussion on October 9, 2003.

During the discussion, the Examiner was informed that in response to the non-final Office Action dated May 27, 2003, that an Amendment and Request for Reconsideration (ARR), the requisite extension of time request, and fee were timely filed on September 29, 2003. Additionally, it was noted that the ARR addressed the outstanding response and commented on the restriction requirement; however, it was also noted that Applicants' representative mistakenly omitted an attachment that was meant to address the Examiner's notation concerning the Information Disclosure Statement (IDS) filed on October 30, 2002.

In the non-final Office Action dated May 27, 2003, the Examiner indicated that the IDS filed October 30, 2002, failed to comply with 37 CFR § 1.98(a)(2) in that a legible copy of US Patent 6,406,826 was not included with the original filing. Thus, this reference was not properly considered by the Examiner.

In the ARR filed on September 29, 2003, Applicants included the following paragraph on page 14:

Applicants file concurrently herewith copies of the Information Disclosure Statement (IDS), PTO Form 1449, and complete copies of all U.S. Patents cited therein, and the List of Related Cases filed on October 30, 2002, with a copy of the date-stamped filing receipt. Applicants kindly request that the Examiner consider U.S. Patent 6,406,826, which was cited within the IDS filed on October 30, 2002.

It is noted that Applicants' representative mistakenly omitted the above-mentioned IDS-related paperwork from the filing dated September 29, 2003.

Application No. 10/086,683

Further to the Reply of September 29, 2003 in response to Office Action of May 27, 2003

In light of this omission, Applicants' representative enclose herewith copies of the ARR (including the date-stamped filing receipt evidencing timely filing thereof), and the originally omitted attachment which includes copies of the: IDS, PTO Form 1449, List of Related Cases, and cited U.S. Patents, all of which were filed on October 30, 2002, as evidenced by a copy of the date-stamped filing receipt.

Applicants kindly request that the Examiner consider U.S. Patent 6,406,826, and provide evidence of the same by returning an initialed and signed copy of PTO Form 1449 that cites this reference.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Norman F. Oblon
Attorney of Record
Registration No. 24,618

Richard L. Treanor, Ph.D
Registration No. 36,379

Daniel J. Pereira
Registration No. 45,518

Customer Number
22850

Tel.: (703) 413-3000
Fax: (703) 413-2220
NFO/RLT/DRE